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EXAMINER

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Please find below and/or attached an Office communication concerning this application or proceeding.


Responsive to the reply brief under CFR 41.41 filed on 12/5/2006, a supplemental Examiner's Answer is set forth below. This supplemental Examiner's Answer includes the Examiner's Answer dated 10/5/2006 and is responsive to the new issue raised in the reply brief filed 12/5/2006.


Appellant states "appellant challenges the examiner's allegation and scope of the application's allegedly disclosed prior art." Appellant points to the fact the prior art statement is not found in the background section of the specification. The statement the examiner has indicated as prior art is found on page 6, paragraph 1027 and reads "According to the Bluetooth specification, DIACs are specifically chosen to tolerate a higher bit rate than a body of a message, such that they can be detected beyond a range at which a Bluetooth transmission would normally be corrupted." Appellant appears to disclose in the reply brief that only the first portion of this sentence is prior art and the second portion of this sentence is not according to the Bluetooth specification. In addition, Appellant states the examiner has provided no evidence that the Bluetooth specification supports the examiner's allegation the statement above is prior art. The examiner disagrees. The evidentiary support for the examiner indicating the statement is prior art is the fact that the statement reads "according to the Bluetooth specification..." in paragraph 1027 of the original disclosure. This indicates prior art is stated in the sentence. In addition, if a portion of the signal is chosen to tolerate a higher bit rate, it inherently will increase the range of the transmission. The level of SNR is proportional to the transmission range. As the range of a transmission is increased, the signal-to-noise ratio (SNR) required to decode the data must also be increased.

Otherwise, errors will occur in the recovered data. However, when the bit error rate (BER) is reduced (or more errors are able to be tolerated), the SNR will increase, increasing the transmission range. Magana et al (US 6,269,086) is provided to show the inherent relationship between bit error rate and transmission range. Column 2, lines 29-33 discloses a reduction in bit error rate for the channel increases the effective usable range of the cordless communication system by providing an improved signal-to-noise ratio. Therefore, even if only the first portion of the prior art sentence of paragraph 1027 is prior art (as indicated by Appellant), the second portion of the sentence is an inherent function of the first part of the sentence. For these reasons, and the reasons stated in the examiner's answer, it is requested that the previous rejections of the claims be affirmed.

Appellant may file another reply brief in compliance with 37 CFR 41.41 within two months of the date of mailing of this supplemental examiner's answer. Extensions of time under 37 CFR 1.136(a) are not applicable to this two month time period. See 37 CFR 41.43(b)-(c).

A Technology Center Director or designee has approved this supplemental examiner's answer by signing below:


KEVIN BURD
PRIMARY EXAMINER
Kevin M. Burd
1/29/2007


REINHARD J. EISENZOPF
QUALITY ASSURANCE SPECIALIST
TC DIRECTOR DESIGNEE